

VZCZCXRO0944

PP RUEHBZ RUEHDU RUEHJO RUEHMR RUEHRN
DE RUEHLS #0089/01 0420557

ZNR UUUUU ZZH

P 110557Z FEB 10

FM AMEMBASSY LUSAKA

TO RUEHC/SECSTATE WASHDC PRIORITY 7647

INFO RUEAWJB/DEPT OF JUSTICE WASHDC

RHEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC

RUEHC/DEPT OF LABOR WASHDC

RUEATRS/DEPT OF TREASURY WASHDC

RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE

RUEHNR/AMEMBASSY NAIROBI 0011

RUEHKI/AMEMBASSY KINSHASA 0001

RUEHDR/AMEMBASSY DAR ES SALAAM 2682

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RUEHSA/AMEMBASSY PRETORIA 5066

UNCLAS SECTION 01 OF 09 LUSAKA 000089

SENSITIVE

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PROGRAM

E.O. 12958: N/A

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SMIG, KMCA, ZA

SUBJECT: ZAMBIA: INPUT FOR THE 2010 TRAFFICKING IN
PERSONS REPORT

REF: STATE 2094; 09 LUSAKA 768

¶11. (U) Post is providing the below information for use in the preparation of the tenth annual Trafficking in Persons (TIP) report. The sections in this message are keyed to questions contained in Ref A.

ZAMBIA'S TIP SITUATION

¶12. (SBU) A. The primary sources of available information on human trafficking are the GRZQs interministerial committee and secretariat on human trafficking (headed by the Ministry of Home Affairs), the Zambia Police ServiceQs Victim Support Unit (VSU), Zambia Immigration, the International Organization for Migration (IOM), the International Labour Organization (ILO), United Nations International ChildrenQs Fund (UNICEF), and NGOs such as YWCA, Women and Law in Southern Africa (WLSA), the Jesuits Center for Theological Reflection (JCTR) and the Council of Churches in Zambia (CCZ). The National Secretariat, whose formation is in progress, has prioritized data collection and consolidation in its 2010 workplan.

¶13. (SBU) B-D. Zambia remains a country of destination, origin and transit for international trafficking in persons. Its geographic position (Zambia shares land, lake and riverine borders with eight countries) makes it attractive for traffickers. Zambia is sometimes a destination country for trafficked labor from Malawi and Mozambique. Contacts in the Copperbelt region of Zambia report increasing numbers of Chinese laborers coming to work in the mines and present unsubstantiated anecdotal evidence of Chinese and Indian worker exploitation. Local contacts report indications that refugees are both trafficked to Zambia and serve as traffickers. During the reporting period, there were instances of Zambians being trafficked to South Africa, Congo and Namibia. As a transit country, ZambiaQs geographic location, numerous porous borders and immigration enforcement challenges make it a nexus for

trafficking from the Great Lakes Region to South Africa. Local contacts observe that increasing numbers of South Asians are trafficked through Zambia. Internal trafficking, mainly of women and children from rural to urban areas for labor, remains a challenge and likely the dominant form of trafficking in Zambia.

¶4. (SBU) New trafficking trends identified in Zambia during this reporting period include possible exploitation of Chinese and Indian mine workers, South Asian males trafficked for labor, the involvement of refugees as both trafficker and victim, and male Somali youth trafficked through Zambia for unconfirmed purposes.

¶5. (SBU) As noted in the 2009 TIP report, which cited a 2007 ILO International Program on the Elimination of Child Labor (IPEC) study, working conditions for victims of trafficking vary. Some are placed in private homes and receive adequate room and board, but others are starved and beaten, deprived of sleep, and/or overworked to the point of exhaustion. Many are not paid even a fraction of the wages they are promised, and some are not paid at all for long hours of work. Local contacts note that victims being transited through Zambia are often held for weeks at a time in remote locations without their passports and with very little food.

¶6. (SBU) Trafficking affects both males and females. Local officials believe that men are more frequently

LUSAKA 00000089 002 OF 009

trafficked for labor. Women and children are trafficked for domestic servitude and sexual exploitation. While orphans and street children are vulnerable groups, a 2009 Ministry of Community Development and Social Services and UNICEF-sponsored outreach exercise targeting traditional leaders yielded information that children of more affluent members of a village are also vulnerable to trafficking, as sending children to the city is a status symbol.

¶7. (SBU) E. GRZ counterparts believe that trafficking through Zambia is becoming increasingly organized and linked to money laundering efforts based largely in South Africa. Traffickers establish front companies associated with the mining supply, garment or other industries, as well as fake NGOs. Internal trafficking is generally perpetrated by individuals, including family members, of the victim. Recruitment methods include promises of work or scholarship, invitations to church conferences or workshops, family reunions and offers of a better life and education for rural children. Traffickers often supply victims with fake documents, and the same travel document is sometimes used for multiple individuals.

SETTING THE SCENE FOR THE GRZQS ANTI-TIP EFFORTS

¶8. (SBU) A. The GRZ has acknowledged that trafficking is a problem in Zambia and passed a comprehensive anti-trafficking act in 2008 (Note: The full Act is available online at www.parliament.gov.zm. End note). This legislation was followed by release of a national anti-trafficking plan of action in 2009. The GRZ has made progress in establishing the National Committee on Human Trafficking, which is headed by Home Affairs and comprises 12 ministries as well as an NGO specializing in children's issues. Home Affairs has sent out formal appointment letters following ministry nomination of TIP-experienced focal points. The GRZ has also allocated space at the passport office for the secretariat and is working with partners on equipping

the office. The National Committee and its secretariat are planned to ensure a concerted GRZ anti-trafficking effort.

¶9. (SBU) B. While the Home Affairs ministry leads overall anti-trafficking efforts, the Ministry of Labor has the lead on labor-related trafficking and works with trade unions and employee associations in conjunction with ILO. The Ministry of Community Development and Social Services heads the effort to combat trafficking of women and children.

¶10. (SBU) C. The GRZ is assessed by IOs and NGOs to be proactive in the fight against human trafficking. However, financial constraints and lack of technical knowledge prove real impediments to concrete action. Government offices routinely lack vehicles or fuel to conduct investigations or transport victims. Emboff queries to immigration officials at borders in Livingstone and the Copperbelt show that G/TIP-funded IOM training has raised awareness amongst officers, but victim assistance, and thus prosecutions, suffer due to lack of shelters for victim protection. While petty corruption at both sides of border posts, at police stations and at other government offices remains a problem, the anti-trafficking Act provides harsh penalties for officials who facilitate trafficking. The GRZ continues to reach out to IOs and NGOs to advance anti-trafficking efforts and relies on international partners for most material support.

LUSAKA 00000089 003 OF 009

¶11. (SBU) D. The GRZ makes an effort to monitor anti-trafficking measures. The secretariat currently under formation will be tasked with overall monitoring and coordination.

¶12. (SBU) E. Civil registration persists as a trafficking vulnerability in Zambia. Currently, all births must be registered with the relevant District Office and certificates can only be issued from the Registrar's Office in Lusaka. The Zambian Law Development Society is working with UNICEF on a plan to decentralize registrations. The GRZ recognizes the benefits decentralization would bring in terms of wider registration but is, at the same time, cognizant of the need to ensure document integrity and security. The government is embarking on a comprehensive national registration push ahead of the 2011 national elections, but has not yet made substantial progress. Populations living near border areas are commonly issued border crossing cards and immigration officials cite frequent movement of border communities as a complicating factor in anti-trafficking efforts.

¶13. (SBU) F. Consolidation of anti-trafficking data is a 2010 priority area for the Home Affairs ministry. The Ministry of Labor has reached out to ILO for technical assistance to include forced labor as a new component of its reporting. The Zambia Police Service's Victim Support Unit (VSU) is also revising its data collection practices on trafficking, including through making trafficking a reportable offense. Officials at border crossings continue to register entries and exits on a manual log and phone in results to headquarters, where they are tallied on a separate manual log. The Zambia Immigration Management System has been plagued with technical difficulties, but the GRZ is working to improve collection with support from the UN Joint Programme on Trafficking.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

¶14. (SBU) A-C. As reported in the 2009 TIP report, the GRZ signed the QAnti-Human Trafficking Act of 2008 into law on November 19, 2008. In 2009, the Cabinet approved a national anti-TIP policy and released a draft communications strategy, which is expected to be approved in early 2010. The anti-TIP Plan of Action went into effect in October 2009. The Act defines trafficking as Qto recruit, transport, transfer, harbor, receive or obtain a person, within or across the territorial boundaries of ZambiaQ by means of various forms of force, fraud or coercion which are spelled out in detail. The penalties prescribed for trafficking, including for sexual exploitation and worst forms of labor, range from 25 years to life in prison.

¶15. (SBU) D. The maximum penalty for rape or forcible sexual assault is life in prison.

¶16. (SBU) E. According to the GRZ anti-trafficking secretariat, the GRZ successfully prosecuted two cases under the new Act in 2009. Both cases involved Zambian men who had sold their children to Tanzanian individuals. The convicted men are being held in prison pending High Court sentencing, and the children were rescued. There are currently nine cases pending under the new anti-trafficking legislation. Victims include South Asians being trafficked through Zambia for labor exploitation in South Africa and male Somali teenage youth being trafficked for unknown, but possibly nefarious, purposes.

LUSAKA 00000089 004 OF 009

¶17. (SBU) While the above cases are a positive sign of the GRZ's willingness to apply the new Act, immigration and police officials note that traffickers are often convicted under immigration violations (Section 8.1 of the Immigration Act) for lack of sufficient evidence to prosecute under anti-trafficking legislation. A well-publicized case of a Namibian immigration official who was accused of trafficking Zambian children for labor falls into this category. Prosecutors are generally able to show transportation of a victim and sometimes able to prove recruitment, but often lack information on exploitation that may be planned for when a victim would arrive at the final destination. Another obstacle to prosecution reported by Zambia Immigration is the fact that traffickers often flee the scene before they can be arrested. Amendments to the immigration law to include anti-trafficking provisions are currently with Parliament. The GRZ had amended the penal code to encompass trafficking prior to the 2008 Anti-Trafficking Act.

¶18. (SBU) F. The GRZ has benefited from G/TIP-funded IOM anti-trafficking training as well as RSO-sponsored ILEA training and DOJ ICITAP/OPDAT-sponsored magistrates and prosecutors training under the Women's Justice and Empowerment Initiative (WJEI) program. In conjunction with IOM, the GRZ distributed simplified copies of the anti-trafficking Act to border posts. The first class of 120 officers with specific Zambia Immigration-organized anti-trafficking training graduated in late 2009 from the Lilayi Police Training College. USDOJ and UNICEF co-sponsored anti-child trafficking training of 240 police, police prosecutors, local court justices and magistrates in summer 2009. The focus of the training was building awareness and skills in investigating and prosecuting child trafficking cases. The GRZ-led train the trainer rollout scheduled to follow the USDOJ/UNICEF training is pending.

¶19. (SBU) G-H. GRZ officials report good coordination with Kenyan counterparts, including information

exchange. Cooperation with Congolese officials is reportedly problematic, but Zambian immigration officials along the border with Congo have instituted joint meetings with Congolese officials to coordinate on areas such as trafficking. The GRZ and Democratic Republic of Congo have also cooperated in victim repatriation. There were no trafficking-related extraditions during the reporting period.

¶20. (SBU) I-J. There are no reports of high-level government officials' complicity in trafficking. A working-level official was reportedly charged under the Immigration Act with facilitating the illegal entry of a prohibited immigrant into Zambia, reportedly due to lack of evidence to support conviction under the trafficking act.

¶21. (SBU) K. There have been no reports of Zambian peacekeeper involvement in either facilitation of trafficking or exploitation of trafficking victims. Pre-deployment training of Zambian peacekeepers includes instruction not to engage in sexual exploitation, and past ACOTA training (last utilized by the GRZ in 2007) included anti-TIP messages.

¶22. (SBU) L. Child sex tourism has not emerged as an issue in Zambia.

PROTECTION AND ASSISTANCE TO VICTIMS

LUSAKA 00000089 005 OF 009

¶23. (SBU) A-C. The GRZ continues to refer victims of trafficking to the IOM, which provides case management and referrals to an appropriately secure shelter. According to IOM statistics, 33 such cases were referred in 2009. The 2008 Act requires that the Ministry of Community Development and Social Services establish shelters. As an initial step, the GRZ is working with IOs to map existing shelters run by NGOs or GRZ entities. GRZ officials have expressed concern with lax security at some of these shelters.

¶24. (SBU) The GRZ plans to secure land for a Lusaka-based shelter in 2010 and start construction in 2011, but acknowledges that it may still lack means to transport victims to the shelter once it is constructed. The new Immigration Headquarters will also reportedly contain some shelter space. Zambian immigration and police refer victims to IOM and NGOs such as YWCA for counseling, shelter and some income-generating rehabilitation activities such as sewing or handicrafts. YWCA runs secure shelters for victims of gender violence and trafficking in Lusaka and Kitwe, which Emboff visited in October 2009. The Ministry of Sport, Youth and Child Development and the Gender Development Division of the Cabinet Office provide limited funding to YWCA in support of these shelters. The police VSU also keeps trained counselors on staff, but offices lack dedicated, private counseling space. The Ministry of Community Development and Social Services works with VSU through the Child Protection Unit (CPU) to assist child trafficking victims. Child victims are placed into protective custody rather than deported.

¶25. (SBU) GRZ officials interviewed by Emboff in Lusaka, Livingstone and Copperbelt border posts acknowledge that lack of adequate victim protection so that they may serve as witnesses is a primary stumbling block to securing convictions. These officials recognize that victims are not criminals and do not belong in jail, but lack adequate resources (including fuel, transportation, counseling facilities and

shelters) to provide for victim protection. Victims unable to be transferred to IOM are most often temporarily jailed and then repatriated.

¶26. (SBU) D-E. As reported in 2009, the new anti-trafficking law prohibits the summary deportation of a trafficking victim and allows victims to apply for a non-renewable permit to remain in Zambia for up to 60 days. The victim may also apply for a visitor's permit and temporary residence status. The anti-trafficking secretariat referred to one such case to which the GRZ is currently devoting high-level attention. The secretariat was unable to provide details on other possible cases. In practice, it appears that the GRZ cooperates with neighboring countries to secure repatriation of a victim for lack of adequate shelter and transportation mechanisms to provide protection in Zambia. The GRZ does not provide long-term benefits such as housing to victims of trafficking.

¶27. (SBU) F. The Act requires that the referral process be formalized, but it continues to operate on an ad-hoc basis.

¶28. (SBU) G. Due to current data collection impediments described in paragraph 10, the GRZ is unable to provide comprehensive statistics on trafficking victims. Of the 33 victims referred to IOM in 2009, 25 were under ¶18. Victims were Somali, Congolese, Rwandan, Zimbabwean and Zambian. According to a January 2010 Times of Zambia article, 829 trafficking victims were

LUSAKA 00000089 006 OF 009

intercepted by Zambian immigration officials during the last quarter of 2009. (Note: Journalists still often conflate smuggling with trafficking. End note). Emboff's queries to immigration officials in Lusaka, Livingstone and the Copperbelt region indicate that Zambian Immigration encounters a steady stream of potential trafficking victims. A cursory review of a month's worth of logs will typically yield multiple examples of large groups (up to 56) of individuals detained based on suspicion that they are being trafficked. Asked to elaborate why the officials believe the victims are being trafficked rather than smuggled, immigration officials note that the victims appear to have been fed a story but lack further details on where they are headed.

¶29. (SBU) H. The GRZ lacks a formal system of proactively identifying victims of trafficking among high-risk persons. Ongoing training is designed to raise awareness and give officers basic skills to detect trafficking and refer victims.

¶30. (SBU) I. Due to lack of adequate shelter and counseling facilities in Zambia as well as insufficient GRZ transportation and fuel, victims are sometimes placed in detention facilities before they can be repatriated to their home countries. Officials interviewed by Emboff acknowledge that detaining trafficking victims is both wrong and counterproductive in terms of securing prosecutions, and lament the current lack of victim protection infrastructure. IOM training, including through G/TIP funding, has spread sufficient awareness such that individuals are generally not prosecuted for other crimes if police understand them to be victims of trafficking.

¶31. (SBU) J. The GRZ actively encourages victims to assist in the investigation and prosecution of traffickers. Officials were able to cite two specific open cases where the victims are working with authorities and agreed to serve as witnesses. In another case, however, the victims reportedly disappeared from a temporary shelter before the case

could be concluded. GRZ officials are concerned to ensure that eventual shelters have the appropriate level of security, which temporary shelters run by NGOs are often unable to provide. The Act allows courts to order a person convicted of trafficking to pay reparations to victims for damage to property; physical, psychological, or other injury; or loss of income and support.

¶32. (SBU) K. As reported above, the GRZ provides for anti-trafficking training of immigration and law enforcement officials in cooperation with IOs such as IOM, and conducts some limited training itself. The Zambia Police Service has a specialized Child Protection Unit (CPU) that works hand in hand with Zambian social welfare on cases of abused and neglected children, including child trafficking victims. The GRZ does not provide specific training on trafficking to its embassies and consulates in foreign countries and was unable to provide records on how its missions abroad may have assisted trafficking victims. The GRZ anti-trafficking secretariat notes that the National Anti-Trafficking Plan of Action calls for across-the-board TIP-awareness training, to include Zambian diplomats, peacekeepers, and others deployed overseas.

¶33. (SBU) L. There is no formal program currently in place to provide assistance to repatriated trafficking victims.

¶34. (SBU) M. The GRZ works closely with IOM, UNICEF, LUSAKA 00000089 007 OF 009

and ILO on trafficking issues. These organizations provide technical assistance, training, and support for shelters, and report that Zambian authorities remain committed and cooperative in anti-trafficking efforts. NGOs including the YWCA, Women and Law in Southern Africa (WLSA), the Jesuits Center for Theological Reflection (JCTR) and the Council of Churches in Zambia (CCZ) are also active in anti-trafficking, either in partnership with IOs, the GRZ or independently. WLSA's Red Light campaign, for instance, focuses on anti-trafficking awareness-raising in the runup to the 2010 Africa Cup of Nations in Angola and World Cup in South Africa.

PREVENTION

¶35. (SBU) A. GRZ officials report that the national anti-trafficking communication strategy that accompanied the Plan of Action, is about to be approved. Pending this approval, the GRZ continues to work with IOs in anti-trafficking outreach, such as IOM's "Break the Chain of Human Trafficking" campaign. The anti-trafficking secretariat also includes a communications expert. The Zambia Police Victim Support Unit (VSU) regularly features trafficking in its weekly "Police and You" radio program. Seeking to harness the influence of traditional leaders to combat internal trafficking, the Ministry of Community Development and Social Services partnered with UNICEF to conduct anti-TIP awareness outreach to 50 tribal chiefs and their assistants during the reporting period. The GRZ also actively supports NGOs in outreach strategies through ensuring high-level participation at conferences, arranging speakers, and issuing supporting statements. Campaigns and information distributed in conjunction with a campaign are targeted both to potential trafficking victims and to those who might be driving the demand for trafficking.

¶36. (SBU) B. Zambian government ability to monitor

immigration and emigration patterns for evidence of trafficking is currently quite limited. GRZ officials expect that data collection improvement projects currently underway will enable better monitoring in future.

¶37. (SBU) C. The senior-level interministerial committee on anti-trafficking and expert-level secretariat are responsible for coordinating anti-trafficking efforts.

¶38. (SBU) D. The National Anti-TIP Plan was adopted by the Cabinet in January 2009 and approved in October 2009. It was developed in consultation with NGOs and international organizations active in trafficking issues. The GRZ has maintained momentum in working to operationalize the Plan, with an initial focus on structure and funding. GRZ officials report that initial focus was devoted to ensuring budgetary resources were allocated to anti-trafficking, given that the GRZ changed its budget cycle the same year. The anti-trafficking secretariat was established during the reporting period and each relevant ministry nominated focal points. The secretariat initially functioned on an ad-hoc basis but is becoming increasingly organized. The GRZ identified office space for the secretariat and is working with the UN Joint Programme to equip it. GRZ officials report that nomination letters for the senior-level interministerial committee have now been sent. Secretariat members have been active in ongoing Zambia

LUSAKA 00000089 008 OF 009

Sixth National Development Program meetings, which are crucial to ensuring that the Plan of Action receives due attention and funding. The GRZ continued to cooperate with international organizations and NGOs on training and prioritization of Action Plan activities.

¶39. (SBU) E. Zambian police raids on suspected brothels continued during the reporting period.

¶40. (SBU) F. The travel of Zambian nationals for the purpose of participating in child sex tourism has not emerged as an issue.

¶41. (SBU) G. While the recent National Plan of Action calls for anti-TIP training provision to Zambian peacekeepers, there is currently no known formal anti-trafficking training provided to troops. ACOTA training last provided to Zambian peacekeepers in 2007 contained anti-TIP messages and pre-deployment training of peacekeepers includes instruction not to engage the services of prostitutes. There were no reports of Zambian peacekeeper exploitation of trafficking victims during the reporting period.

PARTNERSHIPS

¶42. (SBU) A-B. The GRZ works closely with international organizations and NGOs active in anti-trafficking. Partners include IOM, ILO, UNICEF, and NGOs such as YWCA, WLSA, JCTR and CCZ. Zambia is a developing country and lacks sufficient resources to carry out a robust anti-trafficking program on its own.

¶43. (SBU) Nevertheless, the GRZ has shown commitment through providing some funding to NGOs for shelters, working to establish a coordinating body and secure some national budget funding for anti-trafficking efforts, issuing anti-TIP public statements, conducting limited training, and working hand in hand with partners to combat trafficking in persons. Apart from funding provided by the USG through G/TIP, WJEI, and by

other bilateral partners, GRZ anti-TIP efforts are supported by the UN Joint Programme to Counter Human Trafficking in Zambia, to which the EC provided 1.6 million euros in 2009. GRZ political will to counter trafficking extends to its providing limited technical assistance to neighboring countries such as Malawi and raising TIP in international fora, including Joint Permanent Commission meetings with neighbors, the Southern Africa Development Community (SADC) Regional Police Chiefs Coordinating Committee and the International Conference of the Great Lakes. Construction is underway for a Lusaka-based Regional Training Center, which will reportedly also offer anti-TIP curriculum.

CHILD SOLDIERS

¶44. (SBU) Zambia has not been the subject of allegations regarding unlawful child soldiering.

POST CONTACT

¶45. (SBU) Post POC on trafficking issues is Consul Kate McGahey, mcgearyce@state.gov, telephone: 260-211-250-955 x 2261, fax: 260-211-253-824. FS-03 Conoff spent an estimated 20 hours compiling the information for and drafting this report.

LUSAKA 00000089 009 OF 009

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